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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/758,154

01/14/2004

Saul Le-Garcia Rodolfo

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8933 7590 07/26/2007

DUANE MORRIS, LLP

IP DEPARTMENT

30 SOUTH 17TH STREET

PHILADELPHIA, PA 19103-4196

EXAMINER

SPAHN, GAY

ART UNIT

PAPER NUMBER

3635

MAIL DATE

DELIVERY MODE

07/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Interview Summary

Application No.

10/758,154

Applicant(s)

RODOLOFO ET AL.

Examiner

Gay Ann Spahn

Art Unit

3635

All participants (applicant, applicant's representative, PTO personnel):

(1) Gay Ann Spahn.

(3) _____.

(2) Steven E. Koffs.

(4) _____.

Date of Interview: 18 July 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference

c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: _____.

Claim(s) discussed: N/A.

Identification of prior art discussed: N/A.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Gay Ann Spahn
Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Mr. Koffs telephoned the examiner to argue that the restriction and election of species requirements in the Office Action mailed 19 June 2007 should be withdrawn. Mr. Koffs did not indicate that the restriction and election of species requirements were improper (i.e., Applicant did not argue that the claimed inventions were either independent or distinct) The examiner explained that pursuant to the Manual of Patent Examining Procedure (MPEP) section 811, restriction and election of species requirements may be made anytime during prosecution (i.e., preferably before first action or else as soon as need develops). Further, the examiner noted that she would have done the same restriction and election of species requirements were she the examiner from the beginning of the prosecution. Mr. Koffs indicated that he would answer the restriction and election of species requirements, but would also request reconsideration.